



IIP-5046

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): S. KANEKO, et al

Serial No.: 10/628,782

Filed: July 28, 2003

For: DISK ARRAY DEVICE, METHOD FOR CONTROLLING THE  
DISK ARRAY DEVICE AND STORAGE SYSTEM

Group: 2187

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 6, 2006

Sir:

Attached is a Terminal Disclaimer submitted in an effort to place this application in condition for allowance.

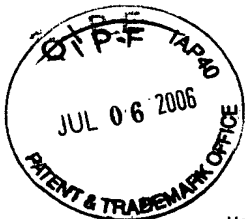
Accordingly, early allowance of claims 1-4, 6-14, 18-20 and 24 is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1417 (Case No. IIP-5046) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

Carl I. Brundidge  
Registration No. 29,621  
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

CIB/jdc  
703/684-1120



PTO/SB/25 (09/-04)

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**TERMINAL DISCLAIMER TO OBIVATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING "REFERENCE"  
APPLICATION**

Docket Number (Optional)

IIP-5046

In re Application of: S. KANEKO, et al

Application No.: 10/628,782

Filed: July 28, 2003

For: **DISK ARRAY DEVICE, METHOD FOR CONTROLLING THE DISK ARRAY DEVICE AND STORAGE  
SYSTEM**

The owner, **Hitachi, Ltd., (As per the Assignment recorded on Reel 014341 and Frame 0572)**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number **11/331,083**, filed on **January 13, 2006**, as such term is defined in 35 USC 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of any patent granted on said reference application "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Reg. No. 29,621  
SignatureJuly 6, 2006  
DateCarl I. Brundidge

Typed or printed name

703) 684-1120

Telephone number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP §324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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